

## What We Must Do for Darfur

### Draft Testimony before the House Subcommittee on Africa, Global Human Rights and International Operations

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September 20, 2006

Chairman Smith, Congressman Payne, and distinguished Members of the Subcommittee, I would like to thank you for holding this important hearing and for allowing me this opportunity to address the urgent situation in Darfur. I greatly appreciate the breadth of this hearing to consider the cost of human conflict across Sudan. I will focus my own comments on the devastating crisis in Darfur. I also respectfully request the opportunity to submit more extensive testimony later this week.

#### INTRODUCTION

I would like to begin by speaking for myself regarding use of the word “genocide” and its implications for action on our (the United States) part. Amnesty International uses the terms “war crimes and “crimes against humanity” to describe the mass murder, torture, systematic rape, mass displacement, and destruction of villages, crops and livestock perpetrated by armed proxy militias and government troops in Darfur and Eastern Chad. Since the conflict began in the winter of 2003, hundreds of thousands of people have died, the vast majority civilians, with over 2 million people displaced, including 215,000 refugees in Chad. Regardless of the nomenclature, the violence is heinous and the Darfuri people’s plight dire. Our President has for some time used the term “genocide”; it carries with it a strong call to action which has been largely delayed.

Although the U.S. was instrumental in drafting the U.N. Convention on Genocide as a response to the atrocities of the Holocaust between 1946 and 1948, and President Truman signed the Genocide Convention in 1949, Congress did not ratify the Convention or pass a similar provision outlawing genocide until the late 1980s. For nearly twenty years from 1967 to 1986 Wisconsin Senator William Proxmire gave a speech every single day Congress was in session urging U.S. ratification of the Genocide Convention. In February 1986 the Senate adopted a ratification resolution, in 1987 Senator Proxmire’s “Genocide Convention Implementation Act” was passed, and on November 4, 1988, President Ronald Reagan signed the Act.

After a year and a half of *Janjawid* militia and Government of Sudan violence against civilians in Darfur Colin Powell called the situation genocide in an address to Congress in early September 2004. I remember because I had given a speech about the terrible crisis in Darfur the night before to an assembled group of Congressmen and women, press and other concerned individuals on Capitol Hill in this very building. All of us working on the issue were delighted by this development; we felt it was a huge step towards the implementation of forceful measures to halt the murderous actions of the *Janjawid* and the Khartoum regime. President George W. Bush soon echoed that term, and it seemed certain that we were on the road to preventing further death and destruction suffered by the Darfuri people.

But although the UN genocide convention requires of states to do all they can to prevent genocide and to punish those responsible, we have acted with puzzling restraint. We have somehow been reluctant to apply the kind of serious negative pressure on Sudan to create the cessation in atrocities that we and the international community desire. And in the two year interval between the first official use of that term and now, the death toll has risen from 50,000 people to hundreds of thousands. These figures have turned a prescient early understanding of the situation into a morbidly fulfilled prophecy, with not a small share of the responsibility in our own hands for not acting forcefully enough. As in the almost forty years it took for us to ratify the Genocide Convention, our current pace of response to an acknowledged dire situation has been shamefully slow.

It is time to change the manner in which we deal with this crisis. In the wake of the failure of the Darfur Peace Agreement to bring peace and security to the region, the only current and lasting solution for civilian protection is the fulfillment of the expanded mandate of the U.N. Security Council's August 31st Resolution 1706 to send in 20,000 UN peacekeeping troops to take over from the African Union's 7,000 under-supplied and under-manned troops in the Darfur region. Because the Government of Sudan has threatened to oust the African Union troops by the end of September because of their support for the implementation of the U.N.'s peacekeeping force, we must act vehemently and with effect so that a security void is not created in which the Darfuri civilians are utterly vulnerable and without protection from militia and government-led violence.

## RECENT DEVELOPMENTS IN DARFUR

The much vaunted Darfur Peace Agreement (DPA) brokered by the AU and western states, failed to gain support from all but one of the rebel movements in Darfur. The signatory rebel group, Minni Minawi's faction of the Sudanese Liberation Army (SLA), has now been implicated in grave human rights offenses in attacks against non-signers and civilians, launching offensives in concert with the Khartoum regime. The other rebel factions feel the Agreement did not address the reasons they rebelled in the first place, their political and economic marginalization, and lack of power sharing in Darfur. Most civilians interviewed feel the agreement failed to ensure even their most basic human rights and security.

Khartoum has threatened to deploy some 10,500 troops in the last few weeks to North Darfur, and has begun a major military offensive against civilians in areas held by rebels that have not signed the peace accord. The U.N. reports that they are bombing civilians again as they did in the early part of the conflict, using government Antonov planes to rain destruction down indiscriminately on rebels and civilians alike. These acts are all in direct violation of international humanitarian law and the terms of the DPA. Khartoum's threats to oust the AU mission in Sudan (AMIS) also undermine the active and crucial role outlined for them in the DPA. Essentially, the DPA has been distorted to be used as a perverse tool justifying the Khartoum regime's crushing any opposition with military force, rather than pursuing a political solution.

The situation on the ground worsens every day; the World Food Program warned recently that due to fighting and banditry 350,000 people in North Darfur had been cut off from food aid. Government forces have driven villagers to flee, leaving crops to wither. Blocked migration routes cause water shortages and lack of access to health care. Humanitarian aid access on the ground diminishes even further as groups pull their

workers out because of intolerable risk; 12 aid workers have been killed since April. U.N. humanitarian chief Jan Egeland refers to the aid situation as a “freefall” necessitating the U.N. peacekeeping troops to avoid a “collapse.” The proxy militias fighting in Chad have destroyed the safe haven for Darfuri refugees who fled across the border; many have now returned to take their chances in war-torn Darfur alongside Chadian refugees fearing for their lives. Those who remain in eastern Chad are in great danger, as militias conscript men and boys from the very refugee camps meant to protect them.

The International Rescue Committee reported a dramatic increase in systematic rape earlier this summer. In 2004 Amnesty International reported huts in which women were raped, sometimes gang raped, while foraging for their family’s water and firewood outside their IDP camps. Women have been tortured for information about their husbands-- their fingernails pulled out, their faces pressed between wooden sticks, their legs broken if they tried to escape. Refusal to comply with their attackers’ demands has meant slaughter. These attacks have degraded the women and shamed their men, who will often disown them as victims of sexual violence. These women are vulnerable to HIV, to survival prostitution, and to impregnation by the *Janjawid*. This fathering of *Janjawid* offspring has been intentional. The illegitimate children produced by this violence are frequently not accepted by their mothers’ communities.

Pregnant women have been slashed in the stomach, killed because they carry “the child of the enemy.” Children themselves are not immune to extremely cruel forms of killing. This is the worst kind of violence imaginable. One can think of no reason that a government would not do everything in its power to prevent such hideous violence against its own people, and yet it is the Khartoum government that is actually perpetuating it.

The Khartoum regime has forcibly been silencing internal voices of dissent. Sudanese journalists report heavy harassment. One newspaper was seized and another had a page blanked out for reporting on public protests on August 30 and September 5 against recent price increases in basic commodities, in which hundreds of demonstrators were arrested including leading political activists and human rights defenders. The government propagandizes the situation in Darfur and suppresses the fact that almost all political parties in Sudan, including the Sudan People’s Liberation Movement (SPLM) partner with the National Congress Party (NCP) in the Government of National Unity, support the deployment of UN peacekeepers.

Even the First Vice President Salva Kiir Mayardit, one of two vice presidents of the Government of Sudan and the head of the Sudan People’s Liberation Movement, told the independent Al-Sudani daily on Sept 16<sup>th</sup> that he supported the entrance of the UN peacekeeping troops because the Sudanese government was incapable of protecting civilians. And yet President Omar Al-Bashir has repeatedly rejected the peacekeeping mission, and threatens to oust AMIS for their support. The regime’s contempt for international opinion of their behavior is crystal clear.

## THE NECESSARY RESPONSE

We stand at a critical crossroads in the Darfur crisis. We must not allow a security void to open at the end of the month, if AMIS leaves. This would be tantamount to condoning the slaughter of civilians who would be left completely vulnerable to *Janjawid* and

government violence. The UN peacekeeping troops must be allowed to take over the mission as planned in October. Until that point the African Union troops must remain and the U.S. should take a leadership role in supplying them and supporting their infrastructure.

And now the U.S. and the UN must begin playing hardball in earnest with the Khartoum regime. The days of offering incentives and waiting for the government of Sudan to grow a conscience are over. We must apply pressure with serious consequences, to propel them to accept the UN Peacekeeping mission. Though the U.S. helped craft a UN Security Council Resolution creating targeted economic sanctions for responsible Khartoum officials, only one has been levied, and this on a retired air force official. Unless we want to send idle threats, we must begin serious assets freezes on Sudanese officials now.

We must stop turning a blind eye to their behavior. By forgiving them their atrocities because of their help in the war on terror, we wash our hands in the blood of the innocent. It is patently clear that Khartoum does not behave with the best interest of its citizens in mind.

We must also share our formidable body of intelligence with the International Criminal Court as it conducts its investigation into war crimes committed in Darfur, in pursuit of justice, and to influence the behavior of officials that risk indictment.

We welcome President Bush's announcement of the appointment of Andrew Natsios as U.S. Special Envoy to Sudan and look forward to his timely contribution to ending the Darfur crisis as rapidly as possible. Diplomatic pressure from the U.S. must be applied relentlessly around the clock; one of the reasons the Darfur Peace Agreement may have failed is that the senior U.S. official who helped broker the deal left the table after the single Darfuri rebel group had signed, leaving an unstoppable hole in the fragile dam that was built. This week, as the President of Sudan attends the General Assembly of the UN, we must tirelessly pursue the goal of Al-Bashir's consent not only to allow the African Union mission to remain, but to admit the UN peacekeepers to take over as planned in October. We must make ending the Darfur crisis a genuine diplomatic priority for this administration.

Speaking for myself as an individual citizen, at a certain point we must begin to consider abandoning the overriding concern that this is not what Khartoum wishes. The UN has concluded that a peacekeeping force is the solution to the current crisis. The African Union has endorsed this decision. The people of Darfur have cried out for its implementation as quickly as possible. If the Security Council and its member states abandon that solution, they and we lose credibility. We cannot stand by, wedded to the idea of inviolable state sovereignty and allow a government guilty of mass murder of its own civilians to do whatever it wants. Again, speaking for myself alone, I recommend to this important subcommittee that it consider the need to introduce UN peacekeepers into Darfur without Khartoum's consent, as it is clear that the death toll will continue to soar if the regime is left to its own devices. Last Friday September 15 President Bush suggested the possibility of new alternatives to waiting for the Sudanese Government's invitation, such as "passing a UN resolution saying we're coming in with a UN force in order to save lives." It is my opinion that at the very least we should begin to enforce UN Security Council 1591, which established a no-fly zone banning Sudanese military flights

over Darfur. This has never been enforced, but must be, in order to stop the renewed aerial bombing of civilians.

#### THE MANDATE OF THE PEOPLE

The gatherings assembled around the world on Sunday September 17th in protest of the ongoing atrocities and in support for the UN peacekeeping mission in Darfur prove the concern of millions of people for the plight of Darfur. I personally spoke at the New York rally, alongside such luminaries as Chairman Smith and Madeleine Albright, and can attest to the robust crowd of 20-30,000 people, and their heartfelt commitment to ending the atrocities in Darfur. I also produced and hosted a benefit concert with Amnesty International for Darfur in Portland, Oregon earlier this year and found that the youth audience was incredibly passionate about Darfur. People from all parties, all nationalities have voiced their outrage and will to change the situation for years now. We have all chanted "Never Again" in response to various mass atrocities that have occurred in the past century. Unfortunately, *Again* is *Now*. It is happening right in front of our eyes, and we have a grave responsibility as moral, compassionate human beings to step up on behalf of the civilians of Darfur. This crisis must be tolerated not a second longer. Let us live up to the promise of what Senator Proxmire devoted his entire being to enact. Let us not have the blood of insufficient action on our hands – let us be the moral leaders we know we can be, and save Darfur!